

**Introduced by Senator Galgiani**

January 6, 2014

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An act relating to parks, declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 829, as introduced, Galgiani. Local government: City of Escalon: sale of property.

(1) Existing law provides for the acquisition of public park property and facilities and compensation for that transfer under specified circumstances.

The Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act) authorizes the issuance of bonds, for the purpose of financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, river, and coastal resources, as specified. The act allocates a portion of the revenues derived from the sale of those bonds to the Department of Parks and Recreation for grants to local agencies for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and interpretation of local park and recreational lands and facilities, including renovation of recreational facilities conveyed to local agencies resulting from the downsizing or decommissioning of federal military installations.

The act prohibits the use of the grant funds unless the applicant has agreed to certain conditions, including but not limited to, using the property only for the purposes for which the grant was made and to make no other use or sale or other disposition of the property, except as authorized by a specific act of the Legislature. The act requires that

if the use of the property is changed to a use that is not permitted by the act or if the property is sold or otherwise disposed of, an amount equal to the amount of the grant, the fair market value of the real property, as specified, or the proceeds from the sale or other disposition be used by the grantee for a purpose authorized by the act or that this amount be reimbursed to the fund.

This bill would authorize the City of Escalon to sell specified property acquired pursuant to this grant program, conditioned upon, among other things, a requirement that the city complies with the requirements of the Villaraigosa-Keeley Act. The bill would prohibit the transfer until the department determines that all required conditions have been met.

This bill would make legislative findings and declarations as to the necessity of a special statute for City of escalon.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. (a) The City of Escalon may sell parcels
- 2 247-130-34 and 247-130-35 located at 19401 Dahlin Road, in the
- 3 County of San Joaquin if all of the following conditions are met:
- 4 (1) The city complies with Section 5096.343 of the Safe
- 5 Neighborhood Parks, Clean Water, Clean Air, and Coastal
- 6 Protection Bond Act of 2000 (the Villaraigosa-Keeley Act)
- 7 (Chapter 1.692 (commencing with Section 5096.300) of Division
- 8 5 of the Public Resources Code), and submits to the Department
- 9 of Parks and Recreation a proposal demonstrating compliance with
- 10 that section.
- 11 (2) The city submits to the department a proposal containing
- 12 all of the following:
- 13 (A) The sale price and acquisition price of the original
- 14 grant-funded property and the replacement property, along with a
- 15 finding that the replacement property has a value that equals the
- 16 amount of the grant used to acquire the original property, the
- 17 fairmarket value of that real property, or the proceeds from the
- 18 sale, whichever is greater.

1 (B) A commitment by the city to file a deed restriction on the  
2 replacement property, if the proposal is approved by the  
3 department.

4 (C) Current appraisals of both properties, along with a  
5 third-party review of the appraisals.

6 (D) A willing seller letter for the replacement property to be  
7 acquired.

8 (E) A parcel map of the replacement property to be acquired  
9 and the proposed new site.

10 (F) A conceptual site plan for the replacement property, if the  
11 property requires development for public use.

12 (G) A commitment by the city to develop the replacement  
13 property for recreational purposes.

14 (b) The sale of the original property and purchase of the  
15 replacement property pursuant to subdivision (a) shall not occur  
16 until the department determines that all of the conditions set forth  
17 in subdivision (a) have been met.

18 SEC. 2. The Legislature finds and declares that a special law  
19 is necessary and that a general law cannot be made applicable  
20 within the meaning of Section 16 of Article IV of the California  
21 Constitution because of the unique circumstances if the purchase  
22 of the original property by the City of Escalon and the limits placed  
23 on the use, including the sale of that property by the Safe  
24 Neighborhood Parks, Clean Water, Clean Air, and Coastal  
25 Protection Bond Act of 2000 (the Villaraigosa-Keeley Act)  
26 (Chapter 1.692 (commencing with Section 5096.300) of division  
27 5 of the Public Resources Code).

28 SEC. 3. This act is an urgency statute necessary for the  
29 immediate preservation of the public peace, health, or safety within  
30 the meaning of Article IV of the Constitution and shall go into  
31 immediate effect. The facts constituting the necessity are:

32 To facilitate the timely use of grant funds and the development  
33 of parkland in the City of Escalon, it is necessary that this act take  
34 effect immediately.